

ZB# 77-2

Richard Sarnowski

62-6-2,3,4,5

77-2 Sarnowski, Richard
(Use Variance)

Public Hearing

February 14, 1977 - 8:15 pm.

R-4 - Use Variance

Fee paid - 2/4/77.

(No b.e.p.d.)

Petition received.

GENERAL RECEIPT

3176

Town of New Windsor, N. Y.

Mar 23, 1977

Received of Richard Sarnowski \$ 25.00

Twenty-five and 00/100 Dollars

For Variance application # 77-2

DISTRIBUTION

FUND	CODE	AMOUNT
25.00 check		

BY Charlotte Marcantonio

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

TITLE



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

77-2
(Number)

1/26/77
(Date)

I. ✓ Applicant information:

- (a) Sarnowski, Richard
(Name, address and phone of Applicant)
- (b) RD 4 - Oak Drive - Box 296 - New Windsor
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) R-4 _____ 62 6 25 12,675 sq. ft.
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? —
- (d) When was property purchased by present owner? 12/75
- (e) Has property been subdivided previously? no When? 1935
- (f) Has property been subject of variance or special permit previously? no When? —
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no . If so, when —

77-2
(Number)

1/26/77
(Date)

I. ☒ Applicant information:

- (a) Sarnowski, Richard
(Name, address and phone of Applicant)
- (b) RD 4 - Oak Drive - Box 296 - New Windsor
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) R-4 62 6 25' 12,675 sq. ft.
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? —
- (d) When was property purchased by present owner? 12/75
- (e) Has property been subdivided previously? no When? 1935
- (f) Has property been subject of variance or special permit previously? no When? —
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when —.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. —

☒ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 49-9, Table Use Regs., Column A, to allow

two-family dwelling where one-family
(Describe proposed use)
presently exists.

- ✓ (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

* House already has 2 separate electrical systems and 2 separate septic systems

Said residence was designed and constructed as a two family dwelling. The floor plan does not lend itself to single family living area without major structural changes. (Other 2 family dwellings exist in the immediate area on much smaller lots)

The house was on the market for 2 years without being sold, cannot be easily sold as a single family dwelling



V.

Area variance: because of its layout

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Commercial districts only

Two-family dwelling where one-family
(Describe proposed use)
presently exists.

- ✓ (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

* House already has 2 separate electrical systems and 2 separate septic systems

Said residence was designed and constructed as a two family dwelling. The floor plan does not lend itself to single family living area without major structural changes. (Other 2 family dwellings exist in the immediate area on much smaller lots)

The house was on the market for 2 years without being sold, cannot be easily sold as a single family dwelling



V.

Area variance: because of its layout

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.



VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?



VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____sq.ft.	_____sq.ft.	_____sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

I plan to live on the premises; do the repair work myself. Since moving in, have repainted the exterior, dug drainage ditch on side of property, planted trees to protect ^{from} soil erosion, cleared back lots of dead trees and tall grass, cleared lot of stones, old logs, planted grass; plan to install new furnace system. Will be planting evergreens on side of property to protect property, cut down on noise level.



IX. Attachments required:

- ____ Copy of letter of referral from Building and Zoning Inspector.
- ____ Copy of contract of sale, lease or franchise agreement.
- ____ Copy of tax map showing adjacent properties
- ____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ____ Copy(ies) of sign(s) with dimensions.
- X Check in amount of \$25.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

I plan to live on the premises; do the repairs work myself. Since moving in, have repainted the exterior, dug drainage ditch on side of property, planted trees to protect ^{from} soil erosion, cleared back lots of dead trees and tall grass, cleared lot of stones, old logs, planted grass; plan to install new furnace system. Will

be planting evergreens on side of property to protect property, cut down on noise level



IX.

Attachments required:

- separate garages and parking area exists already on property*
- ___ Copy of letter of referral from Building and Zoning Inspector.
 - ___ Copy of contract of sale, lease or franchise agreement.
 - ___ Copy of tax map showing adjacent properties
 - ___ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
 - ___ Copy(ies) of sign(s) with dimensions.
 - X Check in amount of \$25.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- X Other

- A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

) SS.:
COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Richard Samorvski
(Applicant)

Sworn to before me this

1st day of Feb., 1977.

Patricia Razansky
PATRICIA RAZANSKY
Notary Public, State of N.Y.
No. 5970776
Appointed in Orange County
Term Expires Mar. 30, 1978

XI. ZBA Action:

- (a) Public Hearing date 2/14/77
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
RICHARD SARNOWSKI, for a Use Variance.
#77-2.

DECISION DENYING
A USE VARIANCE.

-----X
WHEREAS RICHARD SARNOWSKI, R. D. 4, Oak Drive, Box 296, New Windsor, New York, has made an application for a variance from the provisions of the Town of New Windsor Zoning Local Law, Section 48-9 of the Table of Use Regulations, Column A, under Application #77-2 of the New Windsor Zoning Board of Appeals to allow a two-family dwelling on Oak Drive in an residential (R-4) zone. The property in question is further identified as Tax Map Section 62, Block 6, Lots 2, 3, 4, and 5; and

WHEREAS the property was purchased by the present owner in December of 1975 and is not subject to a sale at the present time; and

WHEREAS no order to remedy violation has been issued against the property by the Zoning Inspector; and

WHEREAS the applicant contended in his application as his justification for a use variance that: "said residence was designed and constructed as a two-family dwelling. The floor plan does not lend itself to single family living area without major structural changes"; and

WHEREAS a petition was received by the Zoning Board of Appeals objecting to the use variance contemplated, and which petition contained 25 signatures thereon; and

WHEREAS a public hearing on the application was held by the Zoning Board of Appeals at the Town Hall, New Windsor, New York on the 14th day of February, 1977 after due notice by publication in The Evening News and due notice to residents and businesses within 500 feet of the subject premises by certified mail; and

WHEREAS at said hearing the petitioner was represented by himself; and

WHEREAS at the public hearing a number of residents were in attendance and objected to the proposed use variance; and

WHEREAS the Zoning Board of Appeals makes the following findings of fact in this matter:

1. The premises which are the subject of the application are already suitable for productive use in the R-4 zone.

2. The use variance if granted would permit a number of different uses on the same parcel of land.

3. The land is already being put to productive use and no evidence has been presented that a hardship will ensue unless this variance is granted.

WHEREAS the Zoning Board of Appeals makes the following determinations of law in this matter:

1. The land in question can yield a reasonable return if used in accordance with the purposes permitted by the Zoning Ordinance.

2. The plight of the owner is not due to unique circumstances.

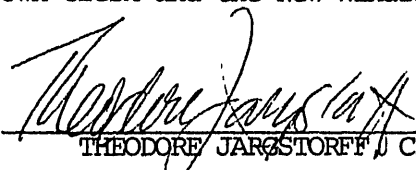
3. The use sought to be authorized by the variance would alter the essential character of the locality which is residential in the immediate vicinity.

WHEREAS the Zoning Board of Appeals of the Town of New Windsor voted on the 21st day of March, 1977 to deny the applicant's request for a variance by a vote of 4 nays - 1 aye - 1 abstention.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals adopts this resolution denying the use variance sought; and

BE IT FURTHER RESOLVED that a copy of this decision be forwarded to the applicant, Mr. Sarnowski, the New Windsor Town Clerk and the New Windsor Planning Board.

Dated: the 25 day of April, 1977.


THEODORE JARGSTORFF, Chairman

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

555 Union Avenue
New Windsor, N. Y. 12550
March 22, 1977

Mr. Richard Sarnowski
R. D. 4, Oak Drive
Box 296
New Windsor, N. Y. 12550

RE: APPLICATION FOR USE VARIANCE #77-2

Dear Mr. Sarnowski:

Kindly be advised that the above application for a use variance was denied by the New Windsor Zoning Board of Appeals at the March 21, 1977 meeting. A formal decision will be drafted by the Board attorney and acted upon at the upcoming meeting in April.

Very truly yours,


PATRICIA RAZANSKY, Secretary

/pr

cc: Howard Collett, Bldg./Zoning Inspector
Town of New Windsor

Henry Van Leeuwen, Chairman
New Windsor Planning Board

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

February 23, 1977

TO: ZONING BOARD OF APPEALS

Dear Members:

There will be a regular meeting of the ZBA on Monday evening, February 28, 1977 - 7:30 p.m. in the Town Hall.

Agenda: 7:30 p.m. - ROLL CALL

1. Motion to accept the minutes of February 14, 1977.
2. DECISION on Application of Richard Sarnowski -
use variance sought on property located on Oak Drive
in Beaver Dam Lake - to convert one-family to two-
family.

8:15 p.m. - PUBLIC HEARING on Application of Cel-U-Dex for front
yard variance and parking space variance on property
located at 23 MacArthur Avenue, New Windsor.
Mr. Herbert Westfall of Mericana Metals to present.

Motion to accept the formal decision Re: Clabir Foods.

(PLEASE READ OVER THE DECISION ENCLOSED IN THE MATTER OF CLABIR FOODS
OPERATIONS).

Sincerely,



565-8550- (office)
562-7107 - (Home)

Zoning Board of Appeals
Town Hall
555 Union Avenue
New Windsor, New York 12550

FEB 07 1977

Re: Variance For a Two Family Dwelling

Dear Sirs:

We would like to object to the variance applied for by Richard Sarnowsky, Oak Drive, New Windsor, to convert his home into a two family dwelling.

Please be advised that Mr. Sarnowsky has already begun and completed some construction within his home without a building permit to our knowledge and both Mr. Howard Collett and Mr. William Larkin have been advised of the violation by certified mail. Mr. Sarnowsky has divided his kitchen with a wall so two separate facilities exist and has added doors within the house to make two separate and private living quarters for himself and his tenant.

Attached please find our objections.

(25 signatures on Petition)

(Original Copy)

We, the undersigned, are not in favor of approving the variance applied for by Richard Sarnowsky, Oak Drive, New Windsor, to convert his home into a two family dwelling for the following reasons:

1. It will start a precedence for the Beaver Dam Lake area possibly causing:
 - A. the conversion of many more pre-existing homes into two family dwellings
 - B. overpopulation of the area
 - C. deterioration of the lake and surrounding properties
 - D. ruination of the rural atmosphere
2. Mr. Sarnowsky has shown disregard for the law and disrespect for his neighbors and community by violating the zoning laws.

Charles Hollingworth
Phyllis Hollingworth
Oak Drive

Jim Andy Sany
Paul Vander Cam

Anthony J. Liguori
Oak Drive

John J. Moran
Patricia C. Moran
Oak Drive

Thomas K. Cardinal
Andrea Cardinal
Oak Drive

Flourence J. Sany
Frederick T. Sany
Willow Ave.

Philip A. Bramante
Oak Dr.

Lenore Bramante
Oak Drive

And R. Knight

Linda P. Corcoran
John K. Corcoran
Beaver Dam Lake - Maple Ave.

(Original Copy)

- Page 2 -

Bernard J. Casey
475 Maple Ave. R.D. 4
New Windsor, N.Y.

Dan & Sue Tesoriere
R.D. 4 Willow Ave. Box 294
New Windsor NY 12550

Anna Casey
475 Maple Ave RD 4
Newburgh, N.Y. 12550

Victoria L. Wilbur
Maple Ave.

George W. Kieber Sr.
Maple Ave
Mary Rinaldi
Maple Ave RD 4

Mary Sparola
Oak Dr RD 4 Newburgh
N.Y. 12550

George R. Venturi
Oak Dr. RD 4
Newburgh NY

Anna Salomone
Maple Ave.
Newburgh, N.Y.

INTER-OFFICE CORRESPONDENCE

TO: DEPUTY TOWN ATTORNEY

FROM: PAT

SUBJECT: SARNOWSKI APPLICATION FOR USE VARIANCE
Beaver Dam Lake

DATE: March 1, 1977

With the help of Mr. Collett, I was able to collect the following information concerning the Sarnowski residence on Oak Drive in Beaver Dam Lake:

September 29, 1967 - Building Permit issued to John J. Gemma (attached) which stated one-family on face of permit. The builder's name was Murray Rotwein of Cornell Homes. (He had a history of erecting two-family homes with one-family building permits.)

Home was never occupied by Gemma.

April 16, 1970 - Building Inspector (Howard Collett) issued Stop Order to Murray Rotwein (Cornell Homes) for expired permit. This permit was only good for one year.

February 4, 1971 - Building Permit issued by Howard Collett to Murray Rotwein (Cornell Homes) to complete the structure.

March 27, 1972 - Certificate of Occupancy was issued by Howard Collett to Bruce Bedard who purchased the residence from Murray Rotwein (Cornell Homes) for "one-family" residential dwelling.

Mr. Collett informs me that no plans were on file in the Building Department when the original building permit was issued in 1967 under Taggart Williamson, the then Building Inspector.

Please see attached. Hope this is helpful.

Pat

No. 97

Sept 29, 1947

BUILDING PERMIT

FEE 22.50

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N Y, for building as described:

Owner's Name John J. Geyman

Address Rt. 4 Maple Ave.

Architect's Name

Address

Builder's Name Cornell Homes Inc.

Address Rt 94 New Windsor

Location of Building Oak Dr + Larch Ave

Material Frame + Masonry Number of Stories 1 Number of Families 1

Dimensions of Building 54 x 24 Dimensions of Lot 150 x 125

Use of Building One Family Res.

Number of Toilets

Number of Baths

Heating Plant

I am familiar with the Zoning Ordinance of the Town of New Windsor

Remarks

Signature of Applicant

Approximate Cost \$ 15,000.

Tarrant Wilhamson
Zoning Officer

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started

No.

John GENNA owner
TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

Consent
STOP ORDER

All work contemplated to be done under Building Permit No . . . shall be forthwith
suspended and all persons shall stop work thereon until this STOP ORDER has been rescinded

This Order will be rescinded upon the following conditions

Exp. Bldg. Permit

Dated. *4/16* . . . , 19*70*

[Signature]
Building Inspector

STOP ORDER RESCINDED

Dated: *4/21* . . . , 19. . .

Permit #9 - 1971
issued to Nancy [illegible] *[Signature]*
to Complete Bldg Building Inspector

No 879

Feb 1, 1971

9

BUILDING PERMIT

FEE

10

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N Y., for building as described

Owner's Name . *Myrtle Point Inc.*

Address . . . *57 30*

Architect's Name

Address

Builder's Name

Address . *0*

Location of Building *Oak Point - Rensselaer*

Material Number of Stories Number of Families

Dimensions of Building Dimensions of Lot

Use of Building

Number of Toilets Number of Baths

Heating Plant

I am familiar with the Zoning Ordinance of the Town of New Windsor

Remarks *Renew permit #97-1967. - Stop order issued 4/16/70 - expired permit. This permit remains under stop order. & to complete buildings*

Signature of Applicant . *D. J. [unclear]*

Approximate Cost \$ *20,000*

Action of —

Planning Board

Highway

Water

Sewer

Zoning Board of Appeals.

[Signature]
Zoning Officer

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.

I HEREBY CERTIFY THAT THE SEWAGE SYSTEM INSTALLED AT

Property Known as: 7th St. Condit

Project
Name

(or)

Property Owned by: Condit House 111 St. ...

Located at: Clark & Larch - B. ...

Per. 15 min 1"

is in conformity with the specifications and requirements of
the TOWN OF NEW WINDSOR Sewer Regulations. Also that the plumbing is
installed according to the minimum requirements for plumbing as stated in
Bulletin No. 23, Department of Health, State of New York.

MURRAY ROTWICIN

Signature of Authorized Representative: _____

Print or type above name

Date: _____

Application No

Permit No

77-1967

Building Department

(CITY, TOWN OR VILLAGE) OF

NEW WINDSOR

3357 UNION AVE

(Address and Telephone Number)

County of: ORANGE

Location:

OAK STREET

Map No.

Section:

Block:

Lot:

Certificate of Occupancy

No 15 1972

Date MARCH 27 1972

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated SEPT 29 1967, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is

ONE FAMILY DWELLING

This certificate is issued to

BRUCE BEDARD

(owner, lessee or tenant)

of the aforesaid building.

Handwritten signature

Superintendent of Buildings

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy.)

INTER-OFFICE CORRESPONDENCE

TO: TOWN SUPERVISOR
COUNCILMAN RAINEY
COUNCILMAN LAHEY
COUNCILMAN MANUCHE
COUNCILMAN MARSHALL

FROM: DONALD S. GOLDRICH, ESQ. - Deputy Attorney for the Town
of New Windsor

DATE: March 1, 1977

SUBJECT: FEBRUARY 1977 REPORT

I. Attendance at Arbitration Hearings:

Arbitration Hearings in NYC - RE: NORTH HALEDON CORP. v. TOWN
OF NEW WINDSOR on February 3, 1977.

II. Attendance in Court:

People v. Michael Bigg - Trial before Judge Fiedelholz took
place on Monday evening, February 14, 1977.

III. Routine meetings and telephone conversations:

In preparation for Arbitration Hearing in NYC Re: North Haledon
Corp. v. Town of New Windsor on February 3, 1977, research,
preparation and telephone calls took place between the Town Engineer
and project engineer. (Kartiganer Associates).

IV. Attendance at Town Board Meeting:

In the absence of Philip A. Crotty, Jr., Town Attorney, on vacation
in February, attendance at Town Board Meeting of February 16,
1977.

V. Research, litigation and correspondence:

Preparation for Town Board Meeting - public hearing on Sewer Points -
research and telephone conversations with Town Engineer and Town
Attorney's office. Also much research regarding rezoning of property
in preparation of Town Board Meeting and proposed rezoning on Route 32.
(Danro Corp.)

Extensive reading of transcripts of Arbitration Hearings received
from Urban Court Reporting Service.

Donald S. Goldrich, Esq.
Deputy Attorney for the Town of New Windsor

DSG:pr

. . .

FEB 23 1977

FEB 29 1977

We the undersigned, being residents of Beaver Dam Lake and the town of New Windsor,
do not object to the variance being applied for by Richard Sarnowski, to change
his home on Oak Drive from single family to 2 family status., February 19, 1977

Gary Pawelz

RD#4 Box 321 New Windsor 12550

Eugenia Seaman Pawelz RD#4, Box 321, Shore Dr., New Windsor

Louise Aceto - R.D.#4 Box 322 Shore Dr. New Windsor 12550

Lynne B. Cignataro - RD#4 Box 328 Shore Dr. New Windsor 12550

Steven Cignataro - RD#4 Box 328 Shore Dr. New Windsor 12550

Mr. & Mrs. J. Purpura R.D.#4 Box 326 Shore Dr. New Windsor 12550

Henry Roman RD#4, Box 326-B Shore Dr. New Windsor 12550

Emigdio Roman R.D. 4 Shore Drive New Windsor 12550

Mr. & Mrs. Henry Gallarini, R.D. 4 Shore Drive, New Windsor, 12550

Flora J. Thorn RD 4 Box ³³³ Shore Drive Newburgh, NY 12550

Joseph L. Thorn Shore Drive Newburgh, NY 12550

Winifred Moses Shore Drive Newburgh, NY 12550

ZBA

INTER-OFFICE CORRESPONDENCE

TO: ZONING BOARD OF APPEALS
FROM: TOWN ATTORNEY
SUBJECT: HOLLINGSWORTH ZONING COMPLAINT
DATE: February 3, 1977

I have just received the attached copy of a complaint concerning an upcoming public hearing.

You may care to send a Board Member or the Building and Zoning Inspector out to investigate before rendering a decision.

PAC

PAC:pr

Attachment

Phil - Please call H.C. & advise of action.

FEB 02 1977

R.D.#4 Oak Drive Box 295
New Windsor, New York 12550
January 30, 1977

Mr. Howard Collett
Superintendent of Buildings
Town Hall
555 Union Avenue
New Windsor, New York 12550

Re: Construction Without a Permit

Dear Mr. Collett:

On 1/27/77, I spoke with you regarding the variance applied for by Richard Sarnowsky, Oak Drive, New Windsor, to convert his home into a two family dwelling. It was at this time that I advised you of construction completed within his home without a building permit to my knowledge (kitchen divided into two separate facilities and doors added within the house to make two separate and private living quarters). You stated that you were unaware of such and could not inspect the premises.

In speaking with my attorney, I now question why you cannot inspect said home and issue a stop work order till the Zoning Board of Appeals meets on February 14, 1977 to discuss the above mentioned variance.

Very truly yours,

Charles Hollingsworth
Phyllis Hollingsworth

(Charles Hollingsworth)
(Phyllis Hollingsworth)

Original Copy

FEB 25 1977

Lawrence D. Rossini
Box 268-E, R.D. #4
Hickory Ave
New Windsor, N.Y. 12550

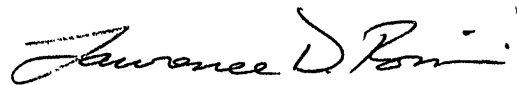
February 24, 1977

Mr. Donald Goldrich
Zoning Board of Appeals
Town Hall
555 Union Ave
New Windsor, N. Y. 12550

Dear Mr. Goldrich:

Enclosed you will find a copy of a deed which contains restrictions pertinent to the matter before the Zoning Board regarding two family homes at Beaver Dam Lake. This deed was a standard form used by Anna Johnson in the conveyance of all lots owned by her at the lake. Since Mr. Sarnowski's land was once part of the Johnson lands, I believe the restrictions set forth in this deed apply to his lots as well.

Yours truly,

A handwritten signature in cursive script, appearing to read "Lawrence D. Rossini".

Lawrence D. Rossini

LDR:kr



This Indenture

Made the Fifteenth day of May , nineteen

hundred and forty-seven

On Shore Drive, no number, Beaver Dam Lake,
BETWEEN Anna Johnson residing in the Town of Cornwall, Orange County,
New York,

, party of the first part, and
Mathew Anthony Rinaldi residing on Willow Ave. Beaver Dam Lake,
in the Town of New Windsor. County of Orange and State of New York,
(No Street Number)

part V of the second part.

WITNESSETH, that the party of the first part, in consideration of Ten, (\$10.00)
Dollars, lawful money of the United States, and other good and valuable considera-
tions, paid by the part V of the second part, do es hereby grant and release unto the
part V of the second part, his heirs and assigns forever,

ALL that piece or parcel of land situated in the Town of New Windsor ,
Orange County, New York, being Lots Nos. 44, 45, 46, 47, 48, 49 and 50, block 17, upon
a certain map entitled Beaver Dam Lake, Section 1, lands of Henry Powell Ramsdell,
Towns of Cornwall and New Windsor, Orange County, New York, made by Blake &
Woodhull, C. E., dated April 22nd, 1931, and filed in the office of the Clerk of the County
of Orange.

TOGETHER with an easment or right of way as an appurtenance to said pre-
mises over all streets and parkways shown on said Map, and the right to use the Lake
shown on said Map for boating, fishing, recreation and sports in so far as the party
of the first part has the right to grant such use to the party of the second part; with-
out recourse, however, to the party of the first part, her heirs, executors, adminis-
trators or assigns, for any claim of damages, cause of action or claim of liability for in-
jury or death caused by or arising from or by reason of the use of said streets and
parkways, or said Lake, by the party of the second part, his heirs or assigns.

And the party of the first part hereby reserves a utility right of way two feet in
width along the rear or front of each lot for the use of electric light or telephone poles
and water mains; except such lots as have their front upon the water line of said Lake,
upon which lots said utility right of way two feet in width is hereby reserved along
the rear of said lots.

This conveyance is given and received upon the following covenants and agree-
ments, which are hereby attached to and made part of the title to said lands and shall
run with such title in whose hands so ever the title may hereafter come or be, that is to
say:

1. That no structure of any sort shall ever be erected, placed or permitted to stand or be upon said premises other than a private residence or garage, and no such structure or building shall be erected on the premises unless plans for the same are first approved by the party of the first part, or her successors in interest. If, upon request by the purchaser, the seller refuses to give such approval the question may be referred to a Board of Arbitration consisting of three Arbitrators, one to be selected by the seller, one by the purchaser and the third by the other two so selected. This Board of Arbitration shall have the power of final decision and if they decide that such structure is not detrimental to the general interests and social standards of the community the seller shall forthwith give written approval of the plans for the erection of said building. The porch line of any residence, or the wall of any garage, must be at least twenty feet from the line of the street upon which it fronts, and no building or structure shall be erected, placed or permitted to stand less than two and one-half feet from the line of the lot upon which it stands. No cesspool or septic tank, constructed on the premises is to be installed less than fifty feet from the high water mark of said Lake, nor less than 6 feet from the line of any lot.

2. Not more than one dwelling shall be erected, placed or permitted to stand or be on less than two lots, nor upon a lot or lots having a frontage of less than fifty feet; except upon the lots abutting on the shore of the said Lake, and upon lots marked on said Map as lots designated for business purposes.

3. No boats propelled by motors, engines, or other mechanical power will be permitted or used upon said Lake and only boats propelled by hand or wind shall be used thereon, and said Lake shall not be used for any business purposes whatever.

4. No advertising signs, nor any fowls or other livestock, nor any noxious or noisome or objectionable thing having a regard to the general character of the neighborhood, shall ever be permitted upon the premises hereinbefore described or on any portion thereof: except that the restriction as to advertising signs shall not apply to lots marked on said Map as lots designated for business purposes.

5. No manufacturing or business of any kind shall ever be carried on, maintained or permitted upon the lands hereinbefore described, or any portion thereof, except upon lots marked on said Map as lots designated for business purposes.

6. No fence or fences shall be erected, placed or permitted to stand or be on said premises, or on the boundary lines thereof. This restriction shall run until January first, 1950.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, his heirs and assigns forever.

AND the said Anna Johnson covenants that she has not done or suffered anything whereby the said premises have been incumbered in any way whatever

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

IN THE PRESENCE OF

W. C. Brown.

Anna Johnson . L. S.
..... L. S.
.....
.....

STATE OF NEW YORK
County of Orange } ss:

On the Fifteenth day of May, nineteen hundred and forty-seven before me came Anna Johnson, to me known to be the individual described in, and who executed, the foregoing instrument, and acknowledged that she executed the same.

Walter J. Brown

Walter J. Brown
Notary Public, Orange County, N. Y.

WALTER J. BROWN
Notary Public
Orange Co. Clerk No. 710
May 23, 1948

Deed.

ANNA JOHNSON

TO

Mathew Anthony Rinaldi

Dated, May 15th 1947 19

Orange County, ss.

Recorded on the *19th*
day of *May* A. D., 1947
at *9* o'clock *A.M.*, in Liber *1044* of
DEEDS, at Page *178* and examined

C. E. Dusenberry Clerk
Mathew Rinaldi
Arletta Mills
New York.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

January 27, 1977

Mr. Richard Sarnowski
RD#4 Oak Drive Box 296
New Windsor, New York 12550

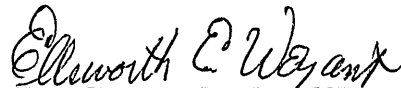
RE: 62-6-4

Dear Mr. Sarnowski:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk
att.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Fravola, Anthony & Mary
RD#4 Oak Drive
New Windsor, New York 12550

Stratton, thor G. & Marlene D.
6384 Fitchett Street
Rego Park, N.Y. 11374

Vella, Charles G. & Frederica
RD#4 Oak Drive
New Windsor, N.Y. 12550

Holloway, Augustus & Marguerite
116 Pinehurst Avenue
N.Y. N.Y. 10033

Di Matteo, Salvatore & Lucy
RD#4 Maple Avenue
New Windsor, N.Y. 12550

Bellini, Natale A.; Sullivan, Edward
RD#4 Linden Avenue Beaver Dam Lake
New Windsor, N.Y. 12550

Beaver Dam Lake Water Corp.
C/O Frank Schirmer
RD#4 Shore Drive Box 318
New Windsor, N.Y. 12550

Wieber, George W. & Victoria L.
RD#4 Maple Avenue
New Windsor, N.Y. 12550

Losio, Joseph, Rudolph L., John,
George
RD#4 Shore Drive
New Windsor, N.Y. 12550

Casey, Bernard T. & Anna
RD#4 Maple Avenue
New Windsor, N.Y. 12550

Corcoran, John K. & Linda P.
RD#4 Maple Avenue
New Windsor, N.Y. 12550

Salomone, Iona L.
RD#4 Maple Avenue
New Windsor, N.Y. 12550

Kuriplach, Andrew R. & Elizabeth
RD#4 Oak Drive
New Windsor, N.Y. 12550

Hollingsworth, Charles & Phyllis
RD#4 Oak Drive
New Windsor, New York 12550

Rinaldi, Matthew A.
Box 294 RD#4
New Windsor, N.Y. 12550

Hunter, Wilmot & Marea
Box 474 RD#4 Maple Avenue
New Windsor, N.Y. 12550

Schirmer, Frank & Elsie
RD#4 Shore Drive Box 318
New Windsor, New York 12550

Law, Walter B. & Deborah
RD#4 Box 183A
New Windsor, N.Y. 12550

Burke, Richard P.
53-70 65 Place
Maspeth, N.Y. 11378

Vander Essen, Ian V. & Adeline
315 Shore Dr. RD#4
New Windsor, N.Y. 12550

Keller, Wallace F. & Isabel F.
671 E 9620 Street
Sandy, Utah 84070

Cardinal, Thomas K. & Andrea
RD#4 Oak Drive Box 300
New Windsor, N.Y. 12550



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Moran, John J. Jr.
RD#4 Oak Drive Box 301
New Windsor, N.Y. 12550

Macari, Robert & Gabrielle
RD#4 Oak Drive
New Windsor, N.Y. 12550

Bombardi, Joseph & Columbia C.
3409 Bell Blvd.
Bayside, N.Y. 11361

Masterson, John A. & Helen M.
Box 311 RD#4 Shore Drive
New Windsor, N.Y. 12550

Palmer, Mellville L. Jr. & Doris I.
RD#4 Shore Drive
New Windsor, N.Y. 12550

White, Jerry K. & Wanda W.
RD#4 Shore Drive Box 314
New Windsor, N.Y. 12550

Siegel, Bertha
1420 Noble Avenue
Bronx, N.Y. 10472

Janatsch, Edward W. & Margaret
2 Sunnyside Drive
Yonkers, N.Y. 10705

Spooner, William
RD#4 Maple Avenue
New Windsor, N.Y. 12550

Schimenti, Michael & Dorothy
1227 Barry Drive South
Valley Stream N.Y. 11580

Aceto, Josephine
RD#4 Shore Drive
New Windsor, N.Y. 12550

Campbell, Irene B.
56-D Edinburgh Lane
Lakehurst, N.J. 08733

Widmayer, William G. & Adele A.
1681 Grove Street
Ridgewood N.Y. 11237

Losio, Joseph & Winifred
Box 153 RD#4 Shore Drive
New Windsor, N.Y. 12550

Pignataro, Stephen & Lynne Barbara
RD#4 Shore Drive
New Windsor, N.Y. 12550

Horton, E., Zuccaro, R., Hanna, R.,
Proietto, M.
C/O Richard Hnna
97 Honeysuckle Drive
Westwood N.J. 07675

Birnkrant, Harold
21 East 16th Street
Brooklyn, New York

Buyl, Ethel
Box 377 RD#4 Shore Drive
New Windsor, N.Y. 12550

McCartney, Edward P. & Ann Marie E.
2 Dover Place
Hempstead, N.Y. 11550

Manning, Patrick C. & Mary E.
RD#4 Shore Drive
New Windsor, N.Y. 12550

Doce, Vincent J.
New Road Daran Park
Newburgh, N.Y. 12550

Rossini, Lawrence D. & Kathleen a.
RD#4 Hickory Avenue
New Windsor, N.Y. 12550



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Rossini, Ralph A. & Yolanda F.
RD#4 Hickory avenue Box 268D
New Windsor, N.Y. 12550

Nestved, Gary A. & Mary
RD#4 Willow Avenue
New Windsor, N.Y. 12550

Laux, Frederick T. & Florence
RD#4 Willow Avenue
New Windsor, N.Y. 12550

Vitale, Frank & Teresa
RD#4 Willow Avenue
New Windsor, N.Y. 12550

Tesoriere, Charles & Daryl
RD#4 Willow Avenue
New Windsor, N.Y. 12550

Respectfully submitted,




Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk

I, Richard Sarnowski, purchased in December 1975 the duplex ranch at Box 296 Oak Drive at the foot of "Devil's Hill". This property was formerly owned by Bruce Bedard.

Since the house ~~was~~ originally designed as a two family ranch, I have applied for a variance to clear up the matter of its status and change it to a 2 family dwelling.

A public hearing will be held by the New Windsor Zoning Board of Appeals on February 14, 1977 at 8:15PM at the New Windsor Town Hall regarding this variance application.



PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant
to Section 48-33A of the Zoning Ordinance on the following
proposition:

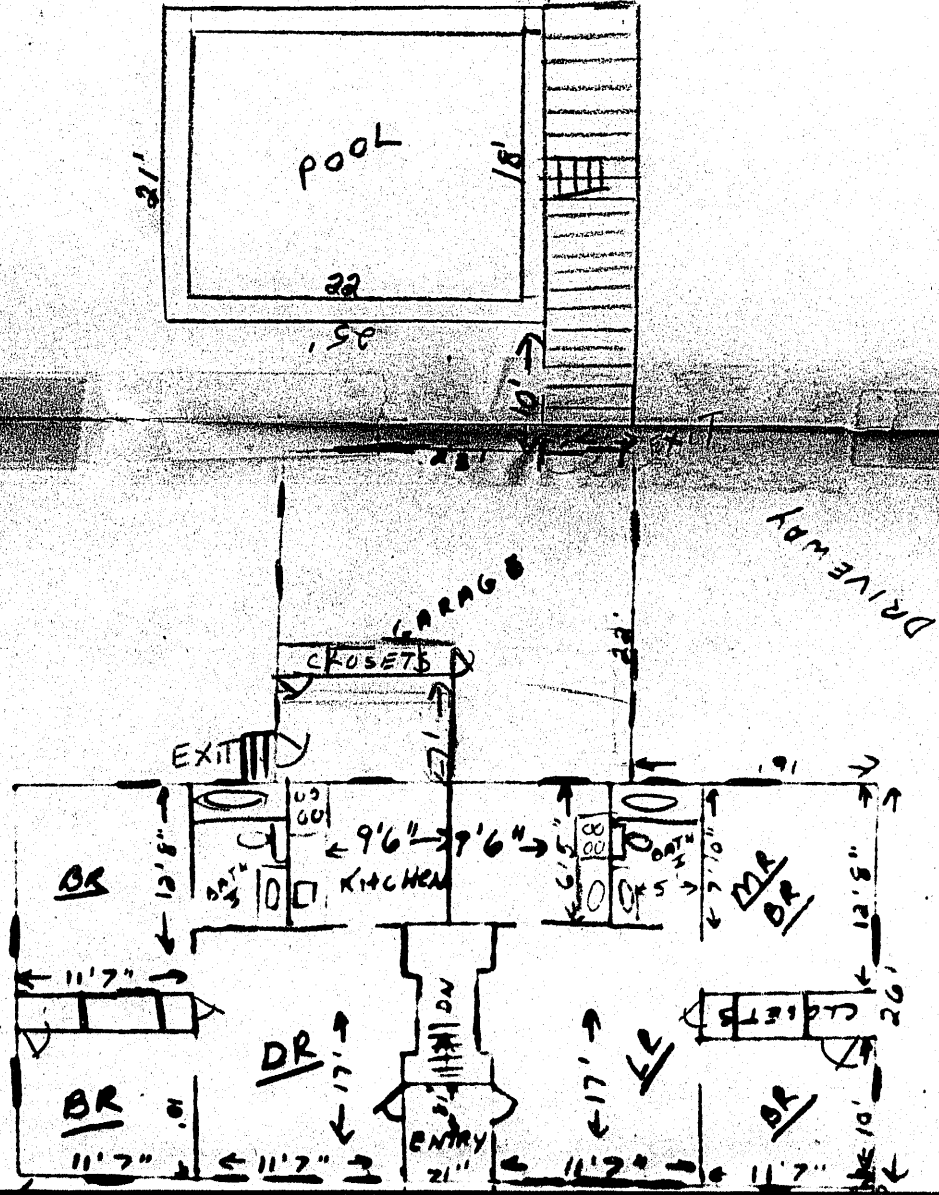
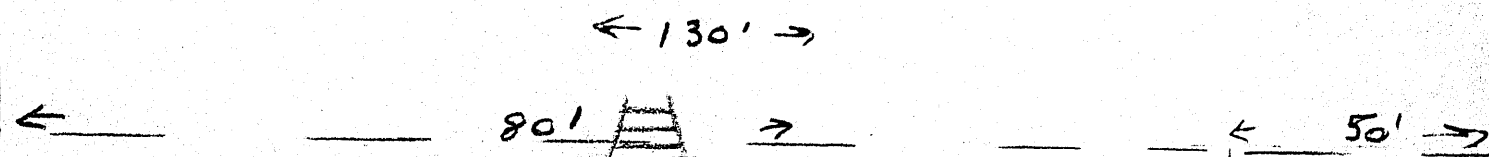
Appeal No. 2
Request of Richard Sannawski
for a Variance ~~Special Use Permit~~ of the
regulations of the Zoning Local Law, to permit
CHANGE FROM SINGLE FAMILY
DWELLING TO 2 FAMILY
being a Variance ~~Special Use Permit~~ of
Section 48-9,
for property situated at: RD4 BOX 296
OAK DRIVE (BEAVER DAM
LAKE) NEW WINDSOR, N.Y.

SAID HEARING will take place on the 14th day of February, 1977,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:15 o'clock P. M.

Chairman

LOT
62-6-1
130' x 150'

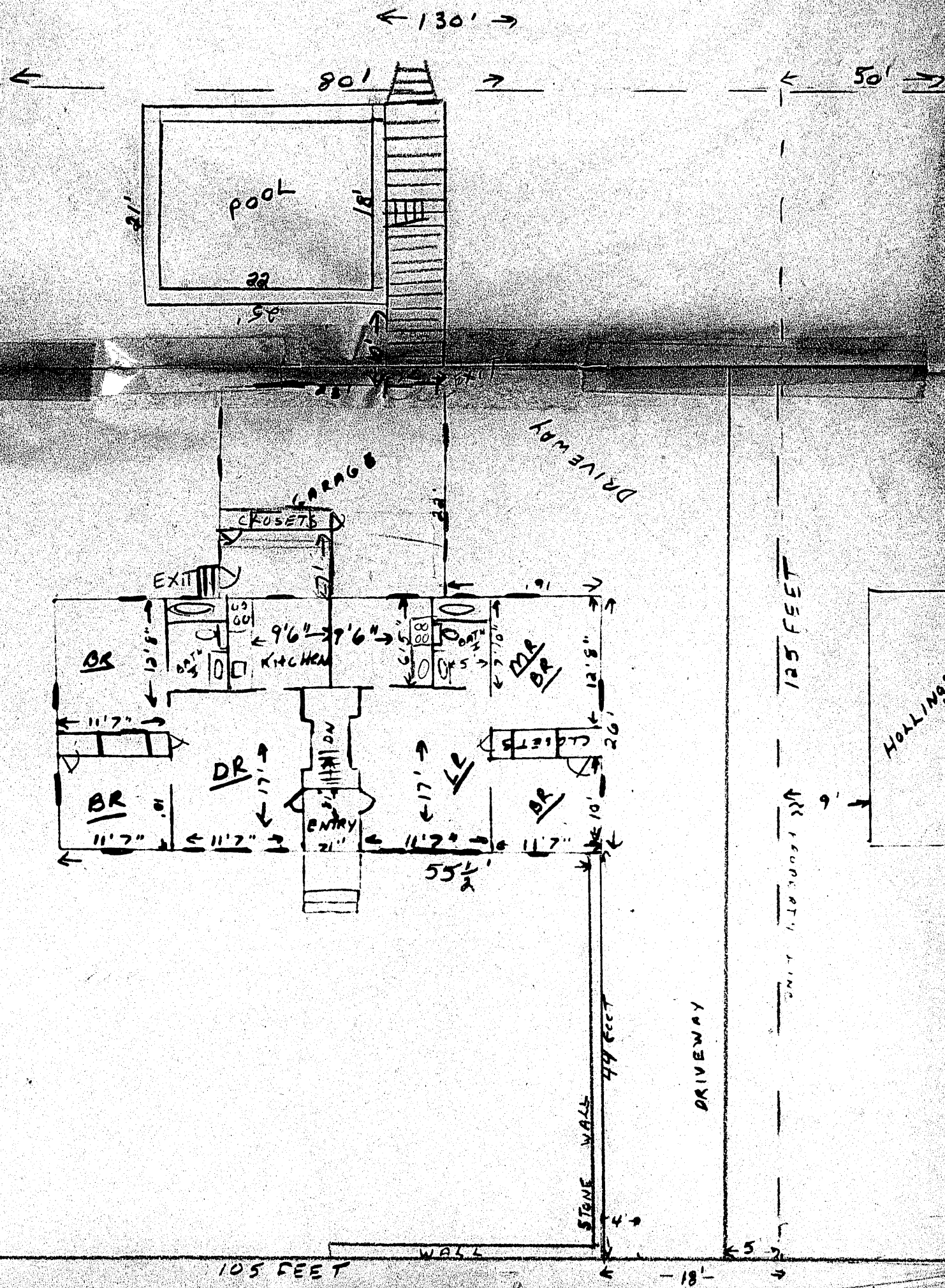
PROPOSED
NEW
CONSTRUCTION
IN RED



125 FEB 1

HOLLINGSWORTH

NEW
CONSTRUCTION
IN RED



62-6-1 62-6-4
62-6-2 62-6-5
62-6-3

RICHARD SARNOWSKI
DAN AK

OAK DRIVE

11' x 18'